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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,478	11/13/2000	Brian A. Vulpitta	MA-12957	7902

7590

03/24/2004

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EXAMINER

RHEE, JANE J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/711,478	<b>Applicant(s)</b> VULPITTA ET AL.	
	<b>Examiner</b> Jane J Rhee	<b>Art Unit</b> 1772	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's argument that the foam body may be secured to the core by any means of adhesive teaches nothing concerning the use of a tape to secure the tape and a foam strip in place wound upon the core and in applicant's invention the foam strip is not adhered to the core rather to the portion of the tape which it contacts, Examiner disagrees. Schonhorns et al. teaches that the adhesive on the core serves as the equivalent function of the leader portion and the foam support portion for the purpose of providing an attachment means of the foam to the core (col. 5 lines 4-6). Basically, the present invention comprises, a core, a tape portion, then a foam portion, and finally more tape. Schonhorns et al. teaches a core, adhesive portion, foam portion, and finally a tape portion (col. 5 lines 4-6). Applicant argues that the adhesive disclosed by Schonhorns concerns nothing with the use of a tape to secure the tape and foam strip in place wound upon the core, however, tape contains an adhesive to secure the tape and foam strip in place wound upon the core. Applicant further argues that the foam strip is not adhered to the core rather to the portion of the tape, which it contacts, Schonhorn's foam strip is adhered to the adhesive and then the adhesive is adhered to the core just as in applicant's present invention wherein the foam strip is adhered to the tape and then the tape is adhered to the core.


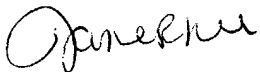
In response to applicant's argument that the passage of Schonhorn starting at col. 4 line 56 and finishing in column 5 line 1, does not describe the advantages or the structure of applying an adhesive tape leader to the tape core, attaching a foam strip to a length of the adhesive tape and then wrapping the entire adhesive tape body around the core, in col. 4 line 56-57 Schonhorn discloses that the advantage of the foam core is to produce a collapsible effect and furthermore in col. 5 line 12 the foam material is stated to prevent telescoping. Even though Schonhorn discloses an adhesive instead of a tape as the adhesive tape leader to the tape core and attaching the foam strip to the adhesive and then wrapping the entire adhesive tape body around the core, the adhesive serves as an equivalent function to the tape which is to provide an attachment means of the foam to the core (col. 5 lines 4-6). Also, applicant argues that it must be remembered that the structure disclosed and claimed in claim 1, the adhesive strip is not adhesively bound to the core but is adhesively bound to the tape, however, in applicant's specification, page 5 line 3-4, applicant discloses that the adhesive tape is a leader portion which adheres directly to the outside surface of 22 of the tape core.

In response to applicant's argument that Schonhorn and Martin-Cocher et al. are nonanalogous art and that the concept of finding a common broad thread in the references and calling it the field of applicant's endeavor is not supported by In re Oetiker, In re Oetiker discloses that the board held that the Lauro reference, although not "within the appellant's specific field of endeavor" is nonetheless "analogous art" because it relates to a hooking problem as does Oetiker's invention (applicant's argument page 5 lines 5-8), Martin-Cocher et al. discloses that the purpose of the core that has a barrel shape is to accommodate the elongation of the film and increase film thickness in its margins (col. 4 lines 56-58) which when the margins are increased in thickness it decreases the chances of a telescoping effect. Therefore, Martin-Cocher et al. is analogous art because it relates to the telescoping problem of applicant's invention. Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is rendered obvious over the prior art of record discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jane Rhee

  
**NASSER AHMAD**  
**PRIMARY EXAMINER**